

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DERRICK MARTIN,

Plaintiff,

v.

MR. HUDSON, *et al.*,

Defendants.

Case No. 13-cv-416-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Derrick Martin's motion to voluntarily withdraw his complaint so he can exhaust his administrative remedies (Doc. 16), which the Court construes as a notice of dismissal of the remaining claims in this case without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss an action without a court order at any time before the opposing party serves an answer or a motion for summary judgment. The defendants have not served an answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss the remaining claims in this case at the present time, the Court finds that the remaining claims in this action are **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: August 8, 2013

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE